



Washington, D.C. 20505

OLL 84-3569

20 September 1984

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your Legislative Referral Memorandum requesting the views of the CIA on a draft State Department report commenting on a bill prepared by the Foreign Affairs Committee staff entitled "Act to Combat International Terrorism". As I indicated in my letter to you of 6 August, this draft bill does not adequately take into account the nature and requirements of U.S. intelligence activities because it does not specifically exclude from its scope lawfully authorized intelligence activities.

I note that the draft State Department report on this bill now calls for an exemption for official activities, possibly along the lines of the exemption contained in Section 38(b)(1) of the Arms Control Act. While I am pleased that the draft report requests an exemption for official activities, I am still concerned that the exemption may be too narrow. Specifically, the exemption in the Arms Export Control Act only covers officers or employees of the U.S. Government acting in an official capacity. There may be situations in which an agent acting on orders of a CIA employee may engage in activities that would be covered by the scope of this draft bill. To ensure that such activities would not be inadvertently covered by this bill, I would request that the language in the draft State Department report be strengthened to read as follows:

"It would also be important to include an exemption for official activities in order to avoid any confusion as to the coverage of the legislation. Such an exemption should state that 'nothing in this section shall be construed to create criminal liability for

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any activities conducted by officials of the United States Government, or their agents, which are properly authorized and conducted in accordance with Federal statutory and executive orders governing such activities.'"

This Office appreciates the opportunity to comment on this draft report, and we are willing to work closely with the Administration to produce a revised bill that will include an intelligence exception.

Sincerely,

Charles A. Briggs
Director, Office of Legislative Liaison

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